

I have not space now strength to review and refute even the prominent defects charged upon the new Code. I will briefly refer to one which has aroused the most opposition.

I refer to the question of interest. Maledictions have been heaped, without stint upon the provision of the new Code, which allows parties to contract for whatever rate of interest they please, and yet I would not be surprised to learn, if the Code shall not be adopted, that the very men who declaim most loudly against this provision, in the end become the most enthusiastic friends of the provision. I have but little to offer on the general question of the policy or impolicy of laws against what is called usury, except what has been hitherto advanced by others—but I may lay down two maxims which will not be denied constitute the creed of all prudent money lenders.

The first maxim of such money lenders is, to see that their principle is *safely* invested.

The second maxim is to invest it *safely* at the highest rate of interest.

Safety and profit are their objects—but safety is the ruling object.

The safety of investment consists in the responsibility on which their return rests, and upon the laws which enforce that responsibility.

The responsibility may be undoubted, but what is it worth if the law will not enforce it, and the borrower will not voluntarily fulfill his obligations? Nothing—aye, worse than nothing perhaps—for the lender is subjected under the usury laws of the district, to a fine of three times the amount loaned, if any one chooses to exact it.

What is the actual practical effect of the money lenders maxims under the present laws? Why unquestionably this—that as he is obliged to abandon his maxim of "safety" if he lends money at more than six per cent, he must forgo it, he must charge such a rate over and beyond that which would be the real value of his money, in his own estimate if safely invested, to compensate for his risk in violating the law! Suppose money to be loaned on good security, and under a law tolerating the contract, twelve per cent. The money lender would be content—perfectly so, seeing that his security was ample and the laws of the place justified and would enforce the contract.

But let him know that if he contracted for more than six per cent he would forfeit three times the amount of his debt, and what would be his demand? From twenty-five to fifty per cent, to cover his risk! Which of these two systems is the better one for the money borrower? Is it better for him to pay ten or twelve per cent under a law tolerating it, or better to pay to a money lender a premium of fifteen to forty per cent as an insurance against his own responsibility?

It is well known that in nearly all the States, the laws permit contracts to be made for interest at ten and twelve per cent. It is known too that State bonds and railroad bonds are in market at such rates that any and all capitalists can lawfully realize from twelve to twenty per cent upon investments, and of course no man will bring money here from any other point and invest at six per cent, nor will any prudent man violate the laws against usury without charging an exorbitant rate of interest for his risk.

Under this state of facts, is it not obvious, that borrowers of money would be vastly benefited by a law, which would induce capitalists to bring their money here for safe investment? Money is worth in the west from ten to twenty per cent and can be safely invested there at those rates. Thousands of capitalists at the North would however prefer a safe investment here, at somewhat lower rates, and it is not to be doubted, that under the law, as framed in the new Code, an abundance of capital to supply the wants of the district, could be procured at from eight to twelve per cent at once, nor can there be any doubt, that within two years, money would be abundant here at seven or eight per cent and perhaps at six per cent.

A few words more on this point, as I consider this change in the law the most important one for the district that is proposed in the new Code.

I am no alarmist, but it is due to the people of the district that they should look forward and provide if possible for the calamities which seem to be in store for them.

The banks of the district will not be rechartered, but will be coerced to wind up their affairs. It is possible, but not probable, that a free banking system based upon United States stocks or equivalent securities may be created. The chances are decidedly against it. An effort is even being made to annihilate the trade and business of the district by prohibiting the farmers and planters of the border counties of Maryland and Virginia, who now trade with Georgetown and Washington from bringing their State bank notes (under fifty dollars) into the district to exchange for goods!

In what dark corner of demagogism these propositions were originally engendered, it were useless to inquire. They have assumed the shape of Resolutions introduced into the honorable Senate of the United States from a committee!

Suppose your present banks are denied a continued existence, and suppose no banking system to be provided in its place, and suppose Virginia and Maryland bank notes under \$50 to be banished from amongst us? These are the propositions of a Senate's committee under the lead of a recognized champion of the Administration! If even the two first propositions are carried out, in what condition will your property owners who are in debt (and who are not?) find themselves in the course of another year?

On whom can they call for aid? And what terms of compensation for aid can they offer? Your usury laws would starve every capitalist in the face. Your rejection of the *only* basis upon which the money-lender and money-borrower can meet upon equal terms, (a mutual and lawful contract) would show the capitalist that your proposing subsequently to pay over six per cent was the result of necessity, and would warn him to keep his money!

I will not say how much of weal or woe for the citizens of Washington is hidden in the action of Congress upon banks and currency, nor how much depends on the adoption or rejection of the new Code, on Monday next.

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"Do you suppose," said a friend, "that you are a fine-looking specimen than Adam was?"

"Well, ahem! yes—that is, to be sure I do, goose!"

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COUNSEL FOR THE DEFENSE.

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FOURTEENTH DAY.  
WEDNESDAY, AUGUST 12, 1857.

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[FROM BUTTON'S REPORT.]

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